

AMENDED IN SENATE AUGUST 22, 2006

AMENDED IN SENATE AUGUST 9, 2006

AMENDED IN SENATE JUNE 14, 2006

AMENDED IN SENATE APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1745

Introduced by Assembly Member Chan

(Principal coauthor: Senator Perata)

(Coauthors: Assembly Members Berg, Jones, and Laird)

(Coauthors: Senators Alquist, Bowen, Figueroa, Kuehl, and Ortiz)

March 2, 2005

An act to add Section 14132.74 to the Welfare and Institutions Code, relating to Medi-Cal, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1745, as amended, Chan. Medi-Cal: pediatric palliative care benefit.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including hospice benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions.

This bill would require the department to develop, as a pilot project, a pediatric palliative care benefit to evaluate whether, and to what extent, such a benefit should be offered under the Medi-Cal program. It would require that the pilot project be implemented only to the extent that federal financial participation is available, and would

require the department to submit a waiver application for federal approval.

The bill would require that beneficiaries eligible to receive the pediatric palliative care benefit be *under 21 years of age* ~~or younger~~, and would allow the department to further limit the population served by the project to make the above evaluation. It would require that the services available under the project include those types of services that are available through the Medi-Cal hospice benefit, and certain other services. The bill would provide that authorized providers under the pilot program shall include licensed hospice agencies and home health agencies licensed to provide hospice care, subject to criteria developed by the department for provider participation.

The bill would appropriate \$75,000 from the General Fund to the department for these purposes.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Nick Snow Children's Hospice and Palliative Care Act of 2006.
- 3 SEC. 2. Section 14132.74 is added to the Welfare and
- 4 Institutions Code, to read:
- 5 14132.74. (a) The department, in consultation with interested
- 6 stakeholders, shall develop, as a pilot project, a pediatric
- 7 palliative care benefit to evaluate whether, and to what extent,
- 8 such a benefit should be offered under the Medi-Cal program.
- 9 The pilot project shall be implemented only to the extent that
- 10 federal financial participation is available.
- 11 (b) Beneficiaries eligible to receive the pediatric palliative care
- 12 benefit shall be ~~21 years of age or younger~~ *under 21 years of age*.
- 13 The department may further limit the population served by the
- 14 pilot project to a size deemed sufficient to make the evaluation
- 15 required pursuant to subdivision (a).
- 16 (c) Services covered under the pediatric palliative care benefit
- 17 shall be designed to meet the unique needs of children, and shall
- 18 include those types of services that are available through the
- 19 Medi-Cal hospice benefit. The benefit shall also include the
- 20 following services, regardless of whether those services are
- 21 covered under the Medi-Cal hospice benefit:

1 (1) Hospice services that are provided at the same time that
2 curative treatment is available, to the extent that the services are
3 not duplicative.

4 (2) Hospice services provided to individuals whose conditions
5 may result in death, regardless of the estimated length of the
6 individual's remaining period of life.

7 (3) Any other services that the department determines to be
8 appropriate.

9 (d) The department, in consultation with interested
10 stakeholders, shall determine the medical conditions and
11 prognoses that render a beneficiary eligible for the benefit.

12 (e) Providers authorized to provide services under the pilot
13 program shall include licensed hospice agencies and home health
14 agencies licensed to provide hospice care, subject to criteria
15 developed by the department for provider participation.

16 (f) (1) The department shall submit any necessary application
17 to the federal Centers for Medicare and Medicaid Services for a
18 waiver to implement the pilot project described in this section.
19 The department shall determine the form of waiver most
20 appropriate to achieve the purposes of this section. The waiver
21 request shall be included in any waiver application submitted
22 within 12 months after the effective date of this section, or shall
23 be submitted as an independent application within that time
24 period. After federal approval is secured, the department shall
25 implement the waiver within 12 months of the date of approval.

26 (2) The waiver shall be designed to cover a period of time
27 necessary to evaluate the medical necessity for, and
28 cost-effectiveness of, a pediatric palliative care benefit. The
29 results of the pilot project shall be made available to the
30 Legislature and appropriate policy and fiscal committees to
31 determine the effectiveness of the benefit.

32 (g) Notwithstanding Chapter 3.5 (commencing with Section
33 11340) of Part 1 of Division 3 of Title 2 of the Government
34 Code, the department may implement the provisions of this
35 section by means of provider bulletins or similar instructions,
36 without the adoption of regulations. The department shall notify
37 the fiscal and appropriate policy committees of the Legislature of
38 its intent to issue a provider bulletin or other similar instruction at
39 least five days prior to issuance.

1 (h) (1) Nothing in this section shall result in the elimination or
2 reduction of any covered benefits or services under the Medi-Cal
3 program or the California Children's Services Program.

4 (2) This section shall not affect an individual's eligibility to
5 receive, concurrently with the benefit provided for in this section,
6 any services, including home health services, for which the
7 individual would have been eligible in the absence of this
8 section.

9 SEC. 3. There is hereby appropriated the sum of seventy-five
10 thousand dollars (\$75,000) from the General Fund to the State
11 Department of Health Services for expenditure for the purposes
12 of developing and implementing a pilot project, as provided for
13 in Section 14132.74 of the Welfare and Institutions Code, to
14 evaluate whether, and to what extent, a pediatric palliative care
15 benefit should be offered under the Medi-Cal program. These
16 funds may be used to fund staff positions to execute, plan,
17 manage, develop, and implement the pilot project.